

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
DAN HOWITT,	)	
	)	
Plaintiff,	)	
v.	)	Civil No. 24-cv-13204-ADB
	)	
SUZANNE ANDEWAY,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

BURROUGHS, D.J.

1. The motion for leave to proceed *in forma pauperis*, [Dkt. No. 2], is ALLOWED.
2. The Clerk shall issue a summons and Plaintiff is responsible for ensuring that the summons, complaint, and this order are served in accordance with Rule 4 of the Federal Rules of Civil Procedure.
3. The motion for the court to serve notices to defendant, [Dkt. No. 5], is DENIED.  
Because Plaintiff is proceeding *in forma pauperis*, he may elect to have the United States Marshals Service (“USMS”) complete service with all costs of service to be advanced by the United States. If the plaintiff chooses to have service completed by the USMS, he shall provide the agency with a copy of this order, all papers for service, and a completed USM-285 form for each party to be served. The USMS shall complete service as directed by the plaintiff with all costs of service to be advanced by the United States. The Clerk shall provide the plaintiff with a blank USM-285 form and instructions for service.

Plaintiff may choose an alternative to serving a defendant with the summons and complaint by offering a defendant the option to waive service of the summons. See Fed. R. Civ.

P. 4(d). Rule 4(d)(1) provides that an individual who is subject to service of a summons and complaint “has a duty to avoid unnecessary expenses” to the plaintiff of making service. Fed. R. Civ. P. 4(d)(1). A plaintiff may notify a defendant that a lawsuit has been filed against the defendant and ask the defendant to waive service of summons. Id. The notice and request for waiver must be in writing, addressed to the individual defendant; name the court where the complaint was filed; be accompanied by a copy of the complaint, two copies of the waiver form, and a prepaid means for returning the form; inform the defendant of the consequences of waiving and not waiving service; state the date the waiver request is sent; give the defendant a reasonable time to return the waiver; and be sent by first-class mail or other reliable means. Fed. R. Civ. P. 4(d)(1)(A)-(G).

4. The plaintiff shall have 90 days from the date of the issuance of the summons to complete service. Failure to complete service within 90 days may result in dismissal of the action without further notice from the Court. See Fed. R. Civ. P. 4(m); Local Rule 4.1 (D. Mass.).

**SO ORDERED.**

February 14, 2025

/s/ Allison D. Burroughs  
ALLISON D. BURROUGHS  
U.S. DISTRICT JUDGE